

OFFICIAL COPY

Fresno, California

September 28, 1999

The City Council met in regular session at the hour of 9:13 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Garry Bredefeld	Councilmember
	Chris Mathys	Acting Council President
	Henry Perea	Councilmember (arrived later)
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Ken Steitz	Council President

Jeff Reid, City Manager
Hilda Cantu Montoy, City Attorney
Jess Avila, Assistant City Attorney
Rebecca Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Pastor Floyd Quenzer, Grace United Methodist Church, gave the invocation.

Acting President Mathys led the Pledge of Allegiance to the Flag.

President Steitz advised Councilmember Perea was testifying in court and that Councilmember Bredefeld would also be leaving later to testify.

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PROCLAMATION OF "WALK TO CURE DIABETES DAY" - COUNCILMEMBER BOYAJIAN

PROCLAMATION OF "CIVIL WAR REVISITED WEEKEND" - MAYOR PATTERSON

PROCLAMATION OF "SHARON TEMPLE NO. 92 DAUGHTERS OF THE NILE DAY"

PROCLAMATION OF "4-H CLUB WEEK"

PROCLAMATION OF "THE UNITED STATES NAVAL SEA CADET CORPS MONTH"

PROCLAMATION OF "RED RIBBON MONTH"

(ADD ON) PROCLAMATION HONORING THE VETERAN'S HOSPITAL/ HISPANIC HERITAGE MONTH -
COUNCILMEMBER QUINTERO

PROCLAMATION OF "LADIES AID FOR RETARDED CITIZENS (LARCS) DAY" - COUNCILMEMBER QUINTERO

The above proclamations were read and presented.

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APPROVE MINUTES:

The minutes of September 21, 1999, approved as submitted.

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APPROVE AGENDA:

(2:00 P.M. CLOSED SESSION - ITEM "A") CONFERENCE WITH REAL PROPERTY NEGOTIATOR - GOVERNMENT CODE SECTION 54956.8 - PROPERTY: LOCATED AT 1231 - 1255 VAN NESS - NEGOTIATING PARTIES: CITY OF FRESNO AND GEORGE AGUILAR REPRESENTING THE FRESNO POLICE OFFICERS ASSOCIATION AND THE FRESNO COUNTY SHERIFF'S OFFICERS ASSOCIATION - UNDER NEGOTIATION: INSTRUCTIONS TO NEGOTIATORS CONCERNING PRICE, TERMS OF PAYMENT, AND OTHER LEASE TERMS AND CONDITIONS

Laid over one week at the direction of Councilmember Quintero.

(2:30 P.M. JOINT CLOSED SESSION WITH THE REDEVELOPMENT AGENCY - ITEM "C") CONFERENCE WITH REAL PROPERTY NEGOTIATOR - GOVERNMENT CODE SECTION 54956.8 - PROPERTY: BOUND BY TULARE STREET, BROADWAY/"H" AND INYO STREETS AND THE FULTON/BROADWAY ALLEY (PROPOSED MULTIPURPOSE BASEBALL STADIUM SITE) NEGOTIATING PARTIES: CITY OF FRESNO, REDEVELOPMENT AGENCY, FRESNO DIAMOND GROUP/FRESNO GRIZZLIES LLP UNDER NEGOTIATION: INSTRUCTIONS TO NEGOTIATORS CONCERNING PRICE, TERMS OF PAYMENT, AND OTHER LEASE TERMS AND CONDITIONS WITH THE FRESNO GRIZZLIES LLP

Councilmember Quintero stated it was his understanding John Carbray said he was not going to submit any other financial documents other than what had already been submitted, and stated he felt there was no need for a closed session adding he would not be attending the closed session until additional information was received.

Acting President Mathys concurred but requested Council move the issue into open session emphasizing people had a right to know, and made a motion to that effect, which was seconded by Councilmember Quintero.

Councilmember Ronquillo commented on his involvement in the issue, and stated he supported the closed session emphasizing this was a last ditch effort to see if a deal could be salvaged. Upon question of Councilmember Bredefeld, City Attorney Montoy stated although not required, the scheduled closed session was legal. Councilmember Bredefeld stated his support for the closed session emphasizing it was legal and he hoped all would

attend; noted he shared Councilmember Quintero's comments and added John Carbray was and had been an impediment to the process; and urged Council not continue to create a soap opera as in the past seven years. President Steitz urged Councilmembers to attend the closed session emphasizing everyone needed to be on board, and stressed the information would be made public at the appropriate time. Acting President Mathys stressed Council was elected to serve the people and they had a right to hear all details in a full and open session.

Councilmember Quintero withdrew his second to the motion, and Acting President Mathys' motion to move the issue into open session died for lack of a second.

DIRECT STAFF TO SCHEDULE ON THE OCTOBER 5TH AGENDA: DIRECT STAFF IN CONSULTATION WITH THE CITY ATTORNEY TO DEVELOP A MEASURED GROWTH POLICY - COUNCILMEMBER RONQUILLO

Direction made.

DIRECT CITY MANAGER TO RETURN WITH BUDGET AMENDMENT RESOLUTION TO FUND (1) NORTH AVENUE IMPROVEMENTS FROM FREEWAY 99 TO FREEWAY 41, AND (2) NEILSEN AVENUE IMPROVEMENTS FROM TEILMAN TO MARKS AVENUE - COUNCILMEMBER RONQUILLO

Direction made.

(1A-3) APPROVE AGREEMENT WITH THE FRESNO IRRIGATION DISTRICT FOR THE DESIGN AND CONSTRUCTION OF METAL GRATES FOR A FEE NOT TO EXCEED \$6,000

City Clerk Klisch corrected the title to add: ..."and authorize the Public Works Director to sign the agreement on behalf of the City." So noted and corrected.

(5E) APPOINT A THREE (3) MEMBER COUNCIL COMMITTEE TO MEET WITH THE CHAMBER OF COMMERCE REGARDING SURVEY OF CITY ISSUES - COUNCILMEMBER PEREA (*BRIEFLY DISCUSSED AGAIN LATER IN THE MEETING*)

President Steitz noted Councilmember Perea again placed more than three items under "City Council", removed the above entitled Item **5E** from the agenda stating he would appoint himself and Councilmember Perea to meet with the Chamber, and requested the City Clerk not allow more than three items to be placed on the agenda by any Councilmember.

On motion of Acting President Mathys, seconded by Councilmember Quintero, duly carried, **RESOLVED**, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	Perea

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ADOPT CONSENT CALENDAR:

(1A-1) RESOLUTION NO. 99-279 - APPROVING THE APPLICATION FOR A LOCAL GOVERNMENT USED OIL OPPORTUNITY GRANT FROM THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD (CIWMB) TO FUND CONTINUED CURBSIDE COLLECTION OF USED OIL/FILTERS AND EDUCATION PROGRAMS TO PROMOTE AND INCREASE THE RECYCLING OF USED MOTOR OIL AND USED OIL FILTER PRODUCTS AND QUANTIFICATION AND ANALYSIS OF WHERE SUCH PRODUCTS ARE PURCHASED AND SOLD; AUTHORIZING THE DIRECTOR OF PUBLIC UTILITIES OR HIS DESIGNEE TO EXECUTE ALL DOCUMENTS TO SECURE GRANT FUNDS AND TO IMPLEMENT AND CARRY OUT THE PURPOSES SPECIFIED IN THE GRANT APPLICATION; AND ANNOUNCING THE CITY'S OFFICIAL INTENT TO MAINTAINS SUCH A PROGRAM AFTER GRANT FUNDS HAVE BEEN DISCONTINUED

(1A-2) RESOLUTION NO. 99-280 - AUTHORIZING THE PURCHASE OF DECORATIVE BENCHES AND TRASH RECEPTACLES WITHOUT ADVERTISED COMPETITIVE BIDDING IN ACCORDANCE WITH ADMINISTRATIVE ORDER 3-3, SOLE-SOURCE PURCHASES OVER THE FORMAL BID LIMIT

(1A-3) APPROVE AGREEMENT WITH THE FRESNO IRRIGATION DISTRICT FOR THE DESIGN AND CONSTRUCTION OF METAL GRATES (INSTALLATION OF GRATES ON THE ENTERPRISE CANAL SIPHON WHERE IT CROSSES THE SUGAR PINE TRAIL) FOR A FEE NOT TO EXCEED \$6,000; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN ALL DOCUMENTS ON BEHALF OF THE CITY

(1A-4) RESOLUTION NO. 99-281 - SETTING A PUBLIC HEARING TO CONSIDER FORMATION OF UNDERGROUND UTILITY DISTRICT (UUD) NO. FRE-76 FOR OCTOBER 19, 1999, AT 10:30 A.M. IN THE COUNCIL CHAMBERS

(1A-5) * RESOLUTION NO. 99-282 - 31ST AMENDMENT TO AAR 99-181 APPROPRIATING \$41,000 IN THE COUNTY OF FRESNO CONTRIBUTIONS FOR THE COMPLETION OF THE DRY CREEK BRIDGE AT KEARNEY BOULEVARD

a. AWARD A CONTRACT TO A & H CONSTRUCTORS IN THE AMOUNT OF \$291,367 TO REPLACE THE DRY CREEK BRIDGE AT KEARNEY BOULEVARD, WEST OF HUGHES AVENUES

(1A-6) RESOLUTION NO. 99-283 - AUTHORIZING SUBMITTAL OF A GRANT APPLICATION TO THE SATE FOR FUNDING, WITH A 20% LOCAL MATCH, UNDER THE TEA-21 RECREATIONAL TRAILS PROGRAM FOR CONSTRUCTION OF THE ELLIS-THOMASON LOOP TRAIL SECTION OF THE SAN JOAQUIN RIVER PARKWAY - LEWIS S. EATON TRAIL

On motion of Acting President Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	Perea

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(10:00 A.M.) HEARING ON CITY OF FRESNO COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 13 - TRACT NO. 4852

1. RESOLUTION NO. 99-284 - ANNEXING TERRITORY TO CFD NO. 2 AND AUTHORIZING THE LEVY OF A SPECIAL TAX

2. RESOLUTION NO. 99-285 - CALLING SPECIAL MAILED-BALLOT ELECTION - CFD NO. 2

3. RESOLUTION NO. 99-286 - DECLARING ELECTION RESULTS

4. * BILL NO. B-63 - ORDINANCE NO. 99-59 - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2000-2001 AND FUTURE TAX YEARS WITHIN AND RELATING TO CFD NO. 2, ANNEXATION NO. 13, CITY OF FRESNO, CALIFORNIA

President Steitz announced the time had arrived to consider the issue and opened the hearing. A motion and second **(2 - 0)** to approve staff's recommendation was acted upon after brief discussion.

Upon question of President Steitz, City Design Engineer Kassabian stated there was no opposition from the property owners. Councilmember Ronquillo questioned if a district could be formed for the First/Ventura Street area as no maintenance was occurring, with Mr. Kassabian stating staff would look into the issue and respond back to Councilmember Ronquillo with more specific details including costs per lot.

Upon call, no one wished to be heard and President Steitz closed the hearing.

On motion of Councilmember Bredefeld, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution Nos. 99-284, 99-285 and 99-286 hereby adopted, and the above entitled Bill No. B-63 adopted as Ordinance No. 99-59, by the following vote:

Ayes	:	Boyajian, Bredefeld, Quintero, Ronquillo, Steitz
Noes	:	Mathys
Absent	:	Perea

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(5A) APPROVE APPOINTMENT OF TIM K. HENSLEIT TO THE TOWER DISTRICT DESIGN REVIEW COMMITTEE - COUNCILMEMBER BOYAJIAN

On motion of Councilmember Boyajian, seconded by Councilmember Bredefeld, duly carried, RESOLVED, Tim Hensleit appointed to the Tower District Design Review Committee, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	Perea

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(5B) APPROVE APPOINTMENT OF CATHERINE MEDINA TO THE HUMAN RELATIONS COMMISSION - PRESIDENT STEITZ

A motion and second to approve the appointment was acted upon after discussion. President Steitz expressed his concern that the Chairperson of the Human Relations Commission (HRC) was asking that the

appointment be pulled from the agenda, stressed it was out of line, inappropriate, and was grounds for the Chair to be removed, and requested Acting President Mathys remove his two appointees, Mr. Muna and Gail Gaston, from the HRC for their personal attacks on Ms. Medina.

Councilmember Boyajian clarified a one week continuance on the appointment was being requested and not a request to *not* appoint Ms. Medina; advised there were internal problems in the commission relative to which direction they wanted to go on the social services review process; stated he would support the request to lay the matter over one week; and stated he did not agree with President Steitz' take on the issue and his request to have the individuals removed from the commission. President Steitz responded and reiterated his concern.

Upon question of Councilmember Quintero, City Attorney Montoy stated Council had the sole authority to appoint and remove board and commission members. Brief discussion ensued with Councilmember Bredefeld stating he saw no reason to hold up President Steitz' appointment, and Councilmember Ronquillo stating he saw no problem with delaying the appointment one week.

A motion of Councilmember Boyajian, seconded by Councilmember Ronquillo, to postpone the matter one week failed, by the following vote:

Ayes	:	Boyajian, Mathys, Ronquillo
Noes	:	Bredefeld, Quintero, Steitz
Absent	:	Perea

Councilmember Perea arrived at 10:13 a.m.

On motion of President Steitz, seconded by Councilmember Bredefeld, duly carried, RESOLVED, Catherine Medina appointed to the Human Relations Commission, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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(5C) APPROVE APPOINTMENT OF MAIYA YANG TO THE HUMAN RELATIONS COMMISSION - COUNCILMEMBER PEREA

On motion of Councilmember Perea, seconded by Acting President Mathys, duly carried, RESOLVED, Maiya Yang appointed to the Human Relations Commission, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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(5D) DISCUSSION ON GENERAL PLAN PROCESS - PRESIDENT STEITZ

Planning Manager Yovino reviewed the schedule as outlined in the staff report. President Steitz stated he had real concerns with Fresno County's proposal on sharing of revenues and explained. Councilmember Ronquillo expressed his concern with the timeline for adopting the general plan emphasizing Council was in urgent need of a plan.

Extensive discussion ensued on the County's proposal, reasons for the delay in updating the City's general plan (with President Steitz clarifying the delay was the fault of the County and not Council or staff), need for a plan, infrastructure needs, options and alternatives for reinitiation, agreement between the City, County and Clovis, the County's perspective on revenue sharing (it being a financial/economic issue for the County), consequences of the entities not coming to an agreement, options including challenging the County on projects, potential for State intervention, and needs and a plan for the inner-city, with Mr. Yovino and City Attorney Montoy responding to Council questions and concerns. There was no further discussion.

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(5E) APPOINT A THREE (3) MEMBER COUNCIL COMMITTEE TO MEET WITH THE CHAMBER OF COMMERCE REGARDING SURVEY OF CITY ISSUES - COUNCILMEMBER PEREA (*CONTINUED FROM EARLIER*)

Upon question of Councilmember Perea as to when a committee would be appointed, President Steitz stated he and Councilmember Perea would be the members as no other Councilmember wanted to serve.

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RECESS - 10:38 A.M. - 10:49 A.M. Councilmember Quintero arrived later.

(10:30 A.M.) HEARING ON PLAN AMENDMENT NO. A-99-06 AND REZONING APPLICATION NO. R-99-14 FILED BY JEFF ROBERTS REPRESENTING GRANVILLE HOMES (CONTINUE TO 5:45 P.M.)

On motion of Councilmember Bredefeld, seconded by Acting President Mathys, duly carried, RESOLVED, the hearing on Plan Amendment No. A-99-06/Rezoning Application No. R-99-14, filed by Jeff Roberts representing Granville Homes, continued to 5:45 p.m., by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Ronquillo, Steitz
Noes	:	None
Absent	:	Quintero

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(5F) * RESOLUTION NO. 99-287 - 33RD AMENDMENT TO AAR 99-181 APPROPRIATING \$300 FROM DISTRICT 2's GENERAL INFRASTRUCTURE BUDGET TO FUND NON-INFRASTRUCTURE RELATED PROJECTS FOR THE BOYS AND GIRLS CLUB OF FRESNO AND THE VETERAN'S OPERATION STAN DOWN EVENT - ACTING PRESIDENT MATHYS

On motion of Councilmember Perea, seconded by Acting President Mathys, duly carried, RESOLVED, the above entitled Resolution No. 99-287 hereby adopted, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Ronquillo, Steitz
Noes : None
Absent : Quintero

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(5G) REQUEST PUBLIC HEARING TO CONSIDER THE PLANNING COMMISSION'S APPROVAL OF CONDITIONAL USE PERMIT (CUP) NO. C-99-78, 3030 N. BLACKSTONE AVENUE, FOR A PROPOSED TELECOMMUNICATIONS TRANSCEIVER FACILITY - COUNCILMEMBER PEREA

Brief discussion ensued on the time and date to set a hearing. Councilmember Quintero arrived at 10:57 a.m. President Steitz recommended October 19th at 5:00 p.m. for the hearing, and directed the City Council meeting *start* at 10:00 a.m. that date.

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, a hearing to consider the Planning Commission's approval of CUP No. C-99-78 set for October 19, 1999, at 5:00 p.m., by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes : None
Absent : None

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(5H) DIRECT STAFF, IN CONSULTATION WITH THE CITY ATTORNEY, TO PREPARE AND RETURN WITH ANY AND ALL DOCUMENTS INITIATING A PLAN AMENDMENT EFFECTIVELY REVERSING THE APPROVAL OF PLAN AMENDMENT NO. A-95-11 AND RESTORING THE RESTRICTION AGAINST FURTHER DEVELOPMENT (APPROVAL OF DEVELOPMENT ENTITLEMENTS SUCH AS SUBDIVISION MAPS, REZONING APPLICATIONS, PLAN AMENDMENTS, OR SPECIAL PERMITS) WITHIN THE 1988 WOODWARD PARK URBAN RESERVE, PENDING COMPLETION OF THE 2020 GENERAL PLAN UPDATE - COUNCILMEMBER PEREA

Upon question of President Steitz, Councilmember Perea stated this would not entail a moratorium. Upon request for clarification, City Attorney Montoy stated a vote this date would simply direct staff to return with a resolution for consideration which would initiate a plan amendment, advised if the resolution were to be adopted the plan amendment process would begin and take approximately 90-120 days, and stated the substance of the amendment would repeal Plan Amendment 95-11 which now allows projects in the urban reserve to come before Council on a case by case basis. Upon question of President Steitz, Ms. Montoy stated it could be construed as a moratorium **(3 - 0)** when it eventually came back.

Councilmember Perea reviewed the issue stating everyone was talking about smart growth and indicating they did not want Fresno become another Los Angeles, emphasized rules needed to be set, and requested Council's support this date and made a motion to approve direction, which was seconded and acted upon after discussion.

Planning Manager Yovino and Ms. Montoy responded to Council questions and concerns relative to "rules that were changed in March" (with Mr. Yovino clarifying no rules were changed), legality of action being requested this date, findings that would need to be made to impose a moratorium, and ability of Council to simply shift their philosophy on growth.

Councilmember Bredefeld stated he hoped Council would support the motion; emphasized the urban reserve should have never been opened in 1995; stated there was too much growth to the northeast and northwest areas; commented on leapfrog development, and stated this was the right direction to take. Councilmember Ronquillo noted this was a difficult issue and he hoped Council would remain consistent; stated there were parameters in the existing plan; and stressed an immediate and consistent policy on growth was needed and again requested Council be fair.

City Manager Reid stated governmental policies had to be complied with when the urban reserve was opened up and advised they would be different to close it down and explained; stated maintenance of the plan should be the focus point; stated the proposed goal to keep people from moving plans forward would most likely not occur and explained, and recommended Councilmember Perea make this proposal as an element of the general plan update process.

Councilmember Boyajian noted the goal was more like re-direction on growth; stated the 1995 Council was very generous to developers and stressed this Council should not be a rubber-stamp of past Councils; and presented questions relative to project criteria for developers to meet, studies and analysis, belief of developers of automatic approval when criteria is met, and pre-1995 policy for the urban reserve and how the proposed motion would impact it, with Mr. Yovino and Ms. Montoy responding.

Acting President Mathys briefly commented on current available vacant land, substandard housing, older lots, need to take bold steps with growth and explained, and result of continuing to grow without a proper plan, and stated he supported the dialog and process being proposed by Councilmember Perea.

President Steitz stated an informational CEQA workshop was needed so Council could understand the rules; stressed if rules were followed there should be positive expectations; concurred Council had the discretion to deny projects but emphasized the reasons should be ground by State law, and stated Council was not seeing the whole picture of liability in the future.

Ms. Montoy briefly responded to questions of Councilmember Boyajian relative to consequences of approving the motion and if there would be a potential for lawsuits.

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, staff directed to prepare and return with documents to initiate a plan amendment reversing approval of Plan Amendment No. A-95-11 which would restore the restriction against further development within the 1988 Woodward Park Urban Reserve pending completion of the 2020 General Plan update, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea
Noes	:	Quintero, Ronquillo, Steitz
Absent	:	None

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(11:00 A.M.) HEARING ON PLAN AMENDMENT NO. A-99-10 AND REZONING APPLICATION NO. R-99-15, FILED BY BRIAN DAVIES ON BEHALF OF HIGHLAND ENTERPRISES (CONTINUE TO OCTOBER 26, 1999, AT 11:00 A.M.)

On motion of Acting President Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the hearing on Plan Amendment No. A-99-10/Rezoning Application No. R-99-15 continued to October 26th at 11:00 a.m., by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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(11:30 A.M.) PRESENTATION OF THE STATE OF HISTORIC PRESERVATION ANNUAL REPORT

The presentation was made by Kevin Enns-Rempel, Chairman of the Historic Preservation Commission **(4 - 0)**, who along with City Historic Preservation Specialist Mellon, responded to Council questions relative to establishing an area for historic homes, renovation of the Water Tower and costs, status of the Russ Clements service station, and the commission's input into the renovation of the old Santa Fe depot. Councilmember Ronquillo briefly left the meeting at 12:05 p.m. Councilmembers commended the commission and staff on the report and for their efforts.

On motion of Councilmember Quintero, seconded by Acting President Mathys, duly carried, RESOLVED, the State of Historic Preservation Annual Report hereby accepted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz
Noes	:	None
Absent	:	Ronquillo

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SUSPENSION OF LUNCH HOUR RULE

On motion of Acting President Mathys, seconded by President Steitz, duly carried, RESOLVED, the lunch hour rule suspended to continue with the next item on the agenda, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz
Noes	:	None
Absent	:	Ronquillo

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(11:45 A.M.) REQUEST COUNCIL APPROVAL FOR THE INSTALLATION OF AN ADDITIONAL SPEED BUMP ON BROWNING AVENUE BETWEEN MARKS AND BENEDICT AVENUES - ACTING PRESIDENT MATHYS

Briefly reviewed by Acting President Mathys who stated this was a safety issue and requested Council's support.

Speaking in support of the request were: Darlene Hayes, 3097 W. Browning; and Bruce Abbott, 3105 W. Browning, who concurred there was a problem but requested the speed bump be installed at another location and explained, using a map to illustrate.

City Manager Reid and City Engineer Salazar stated the installation request met standards and warrants and funding was available, with Mr. Reid advising no Council action was necessary. Mr. Salazar recommended staff be allowed one week to study the issue further and work with the neighborhood. Acting President Mathys emphasized the issue was to get the job done. With no action necessary there was no further discussion.

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RECESS - 12:22 P.M. - 12:54 P.M. Councilmember Bredefeld was testifying in court and arrived later in the meeting.

(12:00 Noon) JOINT MEETING WITH THE PLANNING COMMISSION

The City Council met in joint session with the Planning Commission. Present were President Steitz and all Councilmembers except Councilmember Bredefeld, and Planning Commission Chair Stone and Commissioners Sterling, Civiello and DeBuduo.

a. FRONT YARD FENCE STANDARDS/VARIANCES

Planning Manager Yovino stated the issue was to consider amending the code to allow for fences higher than 3 feet in height, and reviewed the background of the issue and alternatives which had been presented in the past.

Speaking in support of higher fences and/or property owner rights were: Don Yoder, 2246 W. Hammond; Beverly Robertson, who submitted a petition of neighborhood residents in the area of McKinley, Olive, Marks and Hughes, a copy of which petition is on file in the office of the City Clerk **(5 - 0)**; Bill Bowden, 2430 W. Hedges; Lupe Mendoza, 4521 W. Harvard; and Carl Camp, 1113 W. Spruce, Pinedale, Bullard Implementation Committee member.

Upon all, no one else wished to be heard and President Steitz closed the public testimony portion of the issue.

Commission members commented on the issue and emphasized what was needed was code enforcement and clarity and consistency by City staff and fence companies on standards and guidelines, with Commissioner Civiello stating the existing policy did not work citing the difficulty in making findings for variances.

Acting President Mathys commented on county areas annexed into the City and offered a motion exempting annexed areas without sidewalks, drainage or streetlights from the 3-foot high fence requirement and allow fences up to 6 feet, which motion died for lack of a second.

Mr. Yovino, Mr. Mendoza and Assistant City Attorney Avila responded to questions of Councilmember Quintero relative to the 1994 staff report and the 3-foot requirement, areas with older homes who desire 5-6 foot wrought iron fences, safety issues with higher fences for both the property owner and emergency personnel, number of fence companies in the City and if they are given City fence standards, and permit requirements.

President Steitz stated at issue was fairness and made a motion to (1) allow 6-foot wrought iron fences anywhere, as well as 4-foot wrought iron, chain link and block wall fences without variances, and (2) to assess penalties on any fence contractor who violates the code. Councilmember Perea left the meeting at 1:45 p.m.

with fences over 4-feet requiring a simple permit – not a variance. President Steitz withdrew his motion and brief discussion ensued on appeals to Council, allowable fence materials, and limiting cyclone fencing to collector or arterial streets **(6 - 0)**. Upon question of President Steitz, Councilmember Ronquillo accepted the requirement for a permit for any fence on a collector or arterial street.

Mr. Yovino requested staff be allowed to look at different standards and recommended Council direct staff to prepare a text amendment amending the code to allow for 4-foot fences and return with documents including concepts on materials. Councilmember Boyajian stated he sympathized with Mr. Mendoza and stated his support for 6-foot fences emphasizing security was a major issue in the inner-city.

City Manager Reid advised the recommendations being proposed would have to go through the neighborhood committee process with the result being committees wanting certain unique characters or qualities preserved or enhanced, and recommended some guiding standards be developed for the proposed new higher than 4-foot permit.

Upon question of Acting President Mathys, Development Director Solis stated annexed areas were already exempted.

SUSPENSION OF RULES CONTINUE DISCUSSION

On motion of Councilmember Quintero, seconded by Councilmember Boyajian, duly carried, **RESOLVED**, the rules hereby suspended to continue discussion beyond the scheduled 2:00 p.m. ending time, by the following vote:

Ayes	:	Boyajian, Mathys, Quintero, Steitz
Noes	:	Ronquillo
Absent	:	Bredefeld, Perea

On motion of Councilmember Quintero, seconded by Councilmember Boyajian, duly carried, **RESOLVED**, public testimony reopened, by the following vote:

Ayes	:	Boyajian, Mathys, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	Bredefeld, Perea

An unidentified gentleman stated the choice/type of fence should be left solely to the discretion of the property owner. There was no further discussion on the fence issue.

b. CODE ENFORCEMENT

Chair Stone and Commissioners DiBuduo and Civiello commented on the issue and problems encountered relative to selective enforcement, unkept closed businesses and blighted results, “temporary” cyclone fencing becoming permanent, problems in industrial as well as residential areas, and need for a better understanding on how code enforcement works. Councilmember Perea returned to the meeting at 2:04 p.m.

hearing.

Lengthy discussion ensued with Housing and Neighborhood Revitalization Director Quiring, Supervising Planner Beach, City Manager Reid and Assistant City Attorney Avila responding to Council questions and concerns relative to the receivership program as an additional and badly needed tool for code enforcement, code pertaining to temporary fences around old, closed businesses or buildings, requirements for installing cyclone fencing and who sets the standards, status on filling code enforcement positions, need for accessibility/availability of staff on weekends to respond and react to code enforcement needs and calls, placing the Code Enforcement division under the City Attorney's Office, absentee homeowners and their responsibility, need for more communication between Council and staff on issues and concerns of Council other than Tuesdays, and supplying employees with pagers and cell phones.

(7 - 0) Chair Stone expressed the appreciation of the Planning Commission in getting together with Council and stated he looked forward to seeing the fence issue moved forward. There was no further discussion.

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SUSPENSION OF COUNCIL RULES TO HEAR UNSCHEDULED ORAL COMMUNICATIONS

On motion of Acting President Mathys, seconded by Councilmember Quintero, duly carried, RESOLVED, the Council rule hereby suspended hear Unscheduled Oral Communications at this time by a unanimous vote of the Council.

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UNSCHEDULED ORAL COMMUNICATIONS:

APPEARANCE BY ART MULLALY, 331 S. DEARING, REGARDING THE DOWNTOWN STADIUM

Appearance made.

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(2:00 P.M.) REGULAR CLOSED SESSION OF THE CITY COUNCIL:

(B.) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - GOVERNMENT CODE SECTION 54957 -
TITLE: CITY ATTORNEY

Not held.

(2:30 P.M.) JOINT CLOSED SESSION WITH THE REDEVELOPMENT AGENCY:

(C.) CONFERENCE WITH REAL PROPERTY NEGOTIATOR - GOVERNMENT CODE SECTION 54956.8 -

PROPERTY: BOUND BY TULARE, BROADWAY/"H" AND INYO STREETS AND THE FULTON/BROADWAY ALLEY (PROPOSED MULTIPURPOSE BASEBALL STADIUM SITE)

NEGOTIATING PARTIES: CITY OF FRESNO, REDEVELOPMENT AGENCY, FRESNO DIAMOND GROUP/FRESNO GRIZZLIES LLP

UNDER NEGOTIATION: INSTRUCTIONS TO NEGOTIATORS CONCERNING PRICE, TERMS OF PAYMENT, AND OTHER LEASE TERMS AND CONDITIONS WITH THE FRESNO GRIZZLIES LLP

The Council met in joint closed session with the Redevelopment Agency in Room 2125 at the hour 2:45 p.m. to consider the above issue and reconvened in regular open session at 3:25 p.m.

CITY ATTORNEY ANNOUNCEMENTS:

City Attorney Montoy announced the above entitled Item “B” was not held; and stated Item “C” relative to the multipurpose stadium was held and deferred to President Steitz.

President Steitz announced at the recommendation of the joint Mayor/City Council committee, the Council, by a 5-0-2 vote, with Councilmembers Bredefeld and Mathys absent, recommended the City offer the Diamond Group/Grizzlies an offer and articulated the major deal points; noted the City Attorney was instructed to present the lease agreement to the Diamond Group/Grizzlies on Thursday, September 30th; and clarified the offer was contingent upon full financials being released by the Diamond Group/Grizzlies as requested by the Mayor/Council committee. Upon question of Councilmember Quintero, Ms. Montoy stated the project would go out to competitive bid with prevailing wages paid.

Acting President Mathys stated he was present in closed session; stated he felt this action was premature and the City should not be presenting the offer to the Diamond Group/Grizzlies and explained; and emphasized the financials were not complete and were needed before negotiating.

Brief discussion ensued with Councilmembers Ronquillo, Boyajian, Perea and President Steitz commenting on and speaking in support of the offer, commending the Mayor/Council committee, and noting there had been much unity the past few weeks and there was unanimous support of the offer by those present. Acting President Mathys reiterated he was present in the room when the first vote was taken.

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RECESS - 3:35 P.M. - 4:09 P.M.

(4:00 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

The Council met in joint session with the Redevelopment Agency at the hour of 4:09 p.m.

APPROVE AGENCY MINUTES

The Agency Minutes of August 31, 1999, approved as submitted.

(“A”) CONSIDER SITE PLAN REVIEW APPLICATION NO. S-99-89 - GREEN’S RECYCLING

APPROVAL OF SITE PLAN REVIEW APPLICATION NO. S-99-89 AUTHORIZING A WOOD PRODUCTS GRINDING AND STORAGE YARD ON 8.9 ACRES (WITH A POTENTIAL TO ADD 5.6 ACRES) AT THE SOUTHEAST CORNER OF S. HUGHES AND W. WHITESBRIDGE ROAD - GREEN'S RECYCLING (CITY ACTION)

a. CONSIDER NEGATIVE DECLARATION NO. EA S-99-89

b. CONSIDER SITE PLAN REVIEW APPLICATION NO. S-99-89

2. REQUEST THE REDEVELOPMENT AGENCY TO ASSIST THE GREEN FAMILY IN RELOCATING THEIR WOOD PRODUCTS GRINDING AND STORAGE YARD (GREEN'S RECYCLING - SITE PLAN REVIEW APPLICATION NO. S-99-89) - COUNCILMEMBER PEREA

President Steitz advised the issue was postponed from last week for a report by the Agency and discussion on possible relocation assistance by the Agency. Councilmember Perea requested discussion start with Item #2, and questioned what, if any, commitments were made by the Agency, with Mrs. Green responding and stating after the Agency looked into the issue they were advised the Agency did not have any property available.

Upon question of Councilmember Perea, Supervising Planner Beach explained why the project went through the site plan review process. Agency Executive Director Fitzpatrick reviewed the background of the issue, stated it was unclear how the Green's ended up at the Redevelopment Agency's office, noted the Green's had looked but had not found a site they were interested in, advised there was no land in the Roeding Business Park (RBP) that the Agency owned, stated the Agency owned property in southwest Fresno near Walnut and California Avenues that would meet the needs of the Green's, and advised it was illegal for the Agency to buy property for trade. Councilmember Bredefeld arrived at 4:25 p.m.

Upon question of Councilmember Bredefeld, Mr. Fitzpatrick stated the Green's could purchase land in the RBP. Councilmember Bredefeld stated the Green's business was an appropriate one for the RBP and made a motion to direct the Agency to assist the Green's and work out the best deal to assemble land in the RBP to locate their business there, and return to the Council/Agency, which was seconded and acted upon after additional discussion.

City Manager Reid clarified to the extent there may be legal restrictions on the Agency's use of their dollars to purchase property, there were tools to get around the prohibitions and explained.

Acting President Mathys stated his support for the motion, and Councilmember Ronquillo stated he was shocked Agency members were considering placing a "junk yard" in the RBP and obligating the Agency financially and explained.

City Attorney Montoy recommended the site plan issue be dealt with first (Item #1), (**8 - 0**) whereupon Councilmember Bredefeld withdrew his motion on Item #2.

On motion of Acting President Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, debate on Item #1 closed, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

Incorporating the findings contained in the staff report, Councilmember Boyajian made a motion to approve staff's recommendation.

A motion of Councilmember Boyajian, seconded by President Steitz, to approve the Negative Declaration for Environmental Assessment No. S-99-89, deny the appeals and approve Site Plan Review Application No. S-99-89 for 8.9 acres with the potential to expand to the adjacent 5.6 acres to the east failed, by the following vote:

Ayes	:	Boyajian, Steitz
Noes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo
Absent	:	None

Councilmember Ronquillo incorporated his testimony from last week's record relative to evidence of significant environmental impacts, namely wind and odors, types of agents that might be carried and be airborne, substantial increase in traffic, noise issue, the environmental health issue just being discovered about people with allergies, inability to move products at the current site within a reasonable time, sale ability of chipping products and time needed for storage, and the amount of concrete base needed to prevent leaching and further contamination, and made a motion to deny the negative declaration and site plan, which was seconded and acted upon after brief comments. Councilmember Boyajian questioned if any evidence to support denial had been substantiated emphasizing he had heard only statements but no relevant evidence.

On motion of Acting President Mathys, seconded by Councilmember Perea, duly carried, RESOLVED, a call for the question approved and debate on the issue closed, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

On motion of Councilmember Ronquillo, seconded by Acting President Mathys, duly carried, RESOLVED, the findings are hereby made that substantial evidence exists that significant environmental impacts have not been mitigated; the negative declaration for Environmental Assessment No. S-99-89 denied; and the appeals upheld and Site Plan Review Application No. S-99-89 denied, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo
Noes	:	Boyajian, Steitz
Absent	:	None

Councilmember Bredefeld made a motion to direct the Agency to assist the Green's and work out the best deal to assemble land in the RBP to locate their business there and return to the Agency with a proposed agreement on October 19th, which was seconded and acted upon after additional discussion

Jennifer Heck, representing the Green's, expressed concern and questioned the price that would have to be paid for another site, questioned if the City would be able to meet AB 939 requirements without their facility, and stated they would need to consult with their attorney on the issue. City Attorney Montoy presented a procedural question and Ms. Heck stated although she could not commit the Green's to working with the Agency, she was not saying they were opposed to it. President Steitz briefly left the meeting at 4:56 p.m. and returned after the recess.

Rev. Ted Wilson encouraged Council to work with the Green's.

Upon question, Councilmember Bredefeld clarified his motion stating Agency staff would be directed to do for the Green's what they would do for any other business interested in locating in the RBP.

A motion of Acting President Mathys, seconded by Councilmember Bredefeld, to close debate failed, by the following vote:

Ayes	:	Bredefeld, Mathys, Quintero
Noes	:	Boyajian, Perea, Ronquillo
Absent	:	Steitz

Councilmember Ronquillo recommended staff not be limited to the Roeding Business Park in locating property, which amendment was accepted by Councilmember Bredefeld.

On motion of Acting President Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, a call for the question approved and debate on the issue closed, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero
Noes	:	Boyajian, Ronquillo
Absent	:	Steitz

On motion of Councilmember Bredefeld, seconded by Councilmember Perea, duly carried, RESOLVED, Agency staff directed to assist the Green's in locating a site and working out an agreement to assemble land, not limited to the Roeding Business Park, to locate Green's Recycling, and return to the Agency with a proposed agreement on October 19, 1999, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero
Noes	:	Ronquillo
Absent	:	Steitz
Abstain	:	Boyajian

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The joint bodies adjourned at 5:04 p.m. and the City Council reconvened in regular session.

(5:00 P.M.) DISCUSSION REGARDING THE VAGEDES NEIGHBORHOOD INFRASTRUCTURE PROJECT, PROPERTY LOCATED BETWEEN BLACKSTONE AVENUE AND "H" STREET - COUNCILMEMBER RONQUILLO

Removed from the agenda at the direction of Councilmember Ronquillo.

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RECESS - 5:05 P.M. - 5:56 P.M.

(5:45 P.M.) HEARING ON PLAN AMENDMENT NO. A-99-06 AND REZONING APPLICATION NO. A-99-14, FILED BY JEFF ROBERTS REPRESENTING GRANVILLE HOMES, 138.6 ACRES LOCATED NORTH OF E. NEES AVENUE EXTENDING NORTH OF E. TEAGUE BETWEEN N. CHESTNUT AND N. WILLOW AVENUES, AND THE SOUTHEAST CORNER OF N. CHESTNUT AND E. BEHYMER AVENUES

- 1. CONSIDER MITIGATED NEGATIVE DECLARATION NO. EA-A-99-06/R-99-14/TT-4868**
- 2. RESOLUTION - AMENDING THE WOODWARD PARK COMMUNITY PLAN (PLANNING COMMISSION RECOMMENDATION)**
- 3. RESOLUTION - AMENDING THE WOODWARD PARK COMMUNITY PLAN (APPLICANT'S REQUEST)**
- 4. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-20/UGM AND AL-20 TO R-1/UGM, R-2/UGM AND C-1/UGM (PLANNING COMMISSION RECOMMENDATION)**
- 5. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-20/UGM AND AL-20 TO R-1/UGM AND R-2/UGM (APPLICANT'S REQUEST)**

President Steitz announced the time had arrived to consider the issue and opened the hearing.

Development Director Solis gave a brief introduction of the presentation, noted staff had taken a fresh look at the process and how projects would be analyzed and ranked, and advised three changes were made in the internal analysis and processing and highlighted them.

Supervising Planner Haro gave a brief overview of the issue using a map to illustrate; advised Mr. Assemi would later be requesting the C-1/UGM zoning be withdrawn; advised after a lengthy hearing with some opposition the Planning Commission voted in support of the proposed amendment; played a videotape of the subject areas; reviewed the background of the agricultural urban reserve area; reviewed at length the proposed project and plan amendment as outlined in the staff report **(9 - 0)**; noted Caltrans would be expressing regional circulation concerns which would be addressed by staff, as well as the water issue; advised after review of the project by experts staff was recommending approval of the plan amendment; and responded briefly to Council questions relative to the proposed apartment complex and the last time a project was approved in the urban reserve.

Applicant Farid Assemi, Granville Homes, reviewed at length his project requesting the C-1 zoning be removed and explained; responded and elaborated on issues and concerns; **(10 - 0)** expressed his philosophical views on the issue; and requested approval of his project.

Speaking to the issue were: Mark Perry, 8138 N. Dearing, who stated his opposition had been to the C-1 zoning which was now being requested to be removed; Scott Odell, representing Clovis Unified School District, support for the school site; James Ganson, Sommerville Resident, 1612 E. Waterford, support for the project; Marc Birnbaum, Caltrans, opposed due to regional traffic circulation problems; Tom Estes, 34 E. Garland, President, Building Trades Council, who expressed concern with the low paying/no benefits jobs that are created with these types of projects; Kevin Hall, 1204 E. Sierra Madre, opposed; Mel Lubisich, 12433 N. Friant Road, support; Barbara Hunt, 944 "F" Street, opposed; Tara Rowland, 8166 N. Rowell, support; Carl Bischell, 8682 N. Sierra, support; Eric Schlundt, 9187 N. Dearing, support; Joni Johnson, 3422 W. Los Altos, support for the developer and how he works with neighborhoods; Sean Clines, 489 E. Tenaya, framing contractor for Granville Homes, support, who also spoke to the labor issue; Robert Rosati, 756 E. Serena, Woodward Park Homeowners Association, opposed; Renee Laquerriere, 8648 N. Chestnut, support; and Richard Machado, Economic Development Corp, support.

Upon call, no one else wished to be heard and President Steitz closed the public testimony portion of the hearing.

RECESS - 7:50 P.M. - 7:57 P.M.

(11 - 0) Councilmember Quintero stated since he'd been on Council (1994-95), projects such as this and those in the future made sense and continue to make even more sense for the area, and posed questions relative to the street provisions being proposed, why Willow Avenue was being attached to the project, mitigating concerns expressed, if staff would oppose C-1 zoning if it were to be reinstated, adequate water supply for the area, the multi-family portion of the project, and success of the housing market, with City Engineer Salazar, Mr. Haro, Water Systems Manager McIntyre and Mr. Assemi responding.

Councilmember Quintero made a motion to approve the Planning Commission's recommendation which would include C-1/UGM zoning, whereupon Mr. Assemi respectfully requested C-1 be eliminated stating he gave his word to the neighborhood. A motion to approve the applicant's request was seconded by Councilmember Ronquillo and acted upon after extensive discussion.

Councilmember Perea stated this was a fundamental issue of fairness and explained, noted he wanted to halt future growth in the area and that issue would be forthcoming, stated his concerns dealt with infrastructure, and questioned what Caltrans' wanted and what their position was on the issue, with Mr. Birnbaum responding. Planning Manager Yovino and Mr. Salazar responded to Mr. Birnbaum's statements on regional circulation issues, traffic count on Friant Road, and Caltrans' desire for impact fees from the City. Lengthy discussion continued with Mr. Odell of Clovis Unified, Mr. Haro and Mr. Assemi responding to numerous questions of Councilmember Perea relative to Clovis schools and funding, State funding process, the 4-5 year buildout of the project, current school overcrowding/overcapacity conditions, potential for additional housing and impact on schools **(12 - 0)**, other uses for the school site if the project were approved and the school was not built, including school phasing review in final maps, and school fees paid by developers. City Attorney Montoy and Mr. Assemi clarified the issues of school impact fees and SB 50 legislation.

Mr. Birnbaum, Mr. Odell, Mr. Rosati, Mr. Yovino and Mr. Assemi responded to questions of Councilmember Boyajian at length on traffic/circulation concerns of Caltrans, the City's response to those concerns, need for a traffic study and who makes those decisions within the City, impact of additional development in the area, the City "not being responsible" on traffic needs, cost to mitigate traffic problems, interim improvements, mitigation measures proposed by staff, the City's cooperation with Caltrans, school overcapacities, availability of funding for the proposed school, reason(s) the Woodward Park Homeowners Association (WPHA) was recommending the project be delayed, concerns of the WPHA relative to traffic and disappearance of prime agricultural land, the 1989 update of the Woodward Park Plan, communication and understanding between staff and developers that Council is the ultimate decision maker on projects, prime ag land and growth, **(13 - 0)** density issues, completion of the Grantland trunk sewer line and its help with the urban reserve area, the surface water treatment plant and who would be paying for it, and the cost of homes proposed for the project. Councilmember Boyajian stated based on his findings he would not support the project as it was not in the best interest of the city, and stated the system was not "unjust" as conveyed earlier and explained.

Mr. Birnbaum, Moses Stites, Caltrans, Mr. Solis and Mr. Yovino responded to questions of President Steitz relative to the Regional Transportation Committee and meetings, if Caltrans attended those meetings, amount of funds in the State Highway account, what Fresno County was doing to mitigate Millerton New Town problems, what Clovis was doing to mitigate traffic problems, the East/West corridor, competency of City staff with traffic studies, density issue, and project mitigation measures. President Steitz expressed his concern stating he wanted to see Caltrans put their money where their mouth was, and emphasized every problem that was brought up had been or would be mitigated.

Mr. Odell and Mr. Haro responded to questions of Councilmember Bredefeld relative to the capacity of Maple-Creek school and measures taken by the school district to deal with overcrowding, and lack of a police substation in the area and the Police Department's position on that issue. Councilmember Bredefeld stated there were clear problems in the area, expressed concern with the continued development and no services being provided, emphasized Council was the ultimate decision-maker on all projects, stressed it was Council's responsibility to redirect growth, and stated he would not support the project as now was not the time to build there.

Councilmember Ronquillo commented on the issues of growth and prime ag land, stated smart growth needed to be figured out but this one project should not be singled out, stressed the entire area of Freeway 99 to Willow Avenue was to blame and explained, and stated the City had obligated themselves by the adoption of a plan and Council needed to be fair and consistent.

A motion of Councilmember Quintero, seconded by Councilmember Ronquillo, to approve the Mitigated Negative Declaration for Environmental Assessment No. A-99-06/R-99-14/T-4868, and the above entitled Resolution and Bill as requested by the applicant failed, by the following vote:

Ayes	:	Quintero, Ronquillo, Steitz
Noes	:	Boyajian, Bredefeld, Mathys, Perea
Absent	:	None

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 10:09 p.m. having arrived and hearing no objections, President Steitz declared the meeting adjourned.

Dated this _____ day of _____, 1999.

_____	ATTEST: _____
Ken Steitz, Council President	Yolanda Salazar, Assistant City Clerk